

Implementation of the 2012 water legislation

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Ogallala Aquifer Advisory Committee
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Presentation overview

- SB 310 – LEMA
- SB 272 – Multi-year flex accounts
- HB 2516 – Water Banking
- HB 2451 – Abandonment
- SB 148 – Water right divisions / Sand and gravel permitting



SB 310: LEMAs

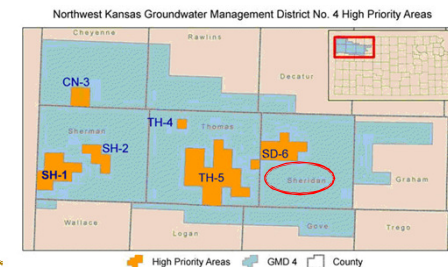
Provide a process for developing Local Enhancement Management (LEMAs).

- Proactive plans developed by GMDs
- Include conservation measures to address specific water resource problems.
- Hearings before the Chief Engineer to adopt, reject or return plan to the GMD



LEMA's (Local Enhanced Management Area)

- Allows local communities of producers to collectively decide their future
- Sheridan County HPA #6 is an example that propose to limit an irrigation use to 55 inches over a 5 year period
- Wide implementation of LEMAs could lead to extending aquifer life



Implementation SB 310 (LEMAs)

- Developing implementing regulations
 - Use IGUCA regs adopted in 2010 as a starting point. Delete provisions in LEMA statute; adjust to fit LEMA specifics.
- Work with GMD 4 on Sheridan 6 proceedings and implementation
- Support GMDs and locals in their consideration of other potential areas where the LEMA tool might be used



SB 272: Multi-year Flex Account revisions

Producers can choose from multiple options for a 5-year flex account providing multi-year flexibility without increasing long-term water use

1. Average Historic Water Use (2000 to 2009)
 - Current system without a 10% conservation factor
2. County Net Irrigation Requirement (NIR) for the maximum acres reported irrigated (2000 to 2009)
 - $\text{Max Reported Acres} \times \text{NIR} \times 110\%$
3. A system promulgated by the Groundwater Management Districts
 - Must be accepted by the chief engineer



Example MYFAs based on 130 acres and County NIR

- Finney County: 865 acre-feet
 - $(5 \text{ years} \times 130 \text{ acres} \times 14.5 \text{ in} \times 110\% \div 12 \text{ in})$
- Seward County: 865 acre-feet
 - $(5 \text{ years} \times 130 \text{ acres} \times 14.5 \text{ inches} \times 110\% \div 12 \text{ in})$
- Ford County: 816 acre-feet
 - $(5 \text{ years} \times 130 \text{ acres} \times 13.7 \text{ inches} \times 110\% \div 12 \text{ in})$

**5 year flex account can't exceed
5 times authorized quantity**



Drought Term → MYFA?

- Those with drought emergency term (DT) permits will be allowed to convert their DT to a multi-year flex account
 - Must be filed by October 1, 2012; fee reduced to \$200 if filed by July 15, 2012
 - Flex amount not reduced by 2011 overuse
- Those with DTs who do not convert to MYFAs must fulfill the requirements of the 2011 drought term



2011 overuse without a drought term

- SB 272 provides that those who overused in 2011 without a drought term can avoid a “notice of non-compliance” against their water right by filing for a 2012 MYFA by July 15, 2012:
 - The MYFA quantity will be reduced by their 2011 overuse
 - The fee is \$600



Implementing MYFA

- Finalizing application form
- Drafting implementing regulations
- Work w/ GMDs on local alternatives as requested
- Developing public information
- Provide public assistance and equip GMDs to do the same
- Insure sufficient compliance and enforcement:
 - Clear terms and conditions on approval
 - Defining add'l water use reporting requirements



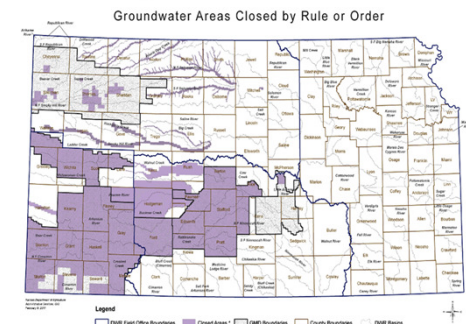
HB 2516 – Water Banking

- Review GMD 5 bank review committee recommendations
- Implement results in revised bank charter and regulations.



HB 2451 - Abandonment

- Update regulations as needed
- Wateruse reports still required



Comparison of Proposed Allowable Flex Account NIR to Authorized Quantity and 2000-2009 Average Irrigation Water Use per County



Values are in Acre-inches per Acre
Allowable Flex Account NIR = 50% Chance Rainfall NIR with 90% Efficiency Factor

Kansas Department of Agriculture
Division of Water Resources
Basin Management Team
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